FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7721 OF 2005
WITH CRIMINAL APPLICATION NO. 7614 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. Anil Desai i/by D.H.Law Associates for the applicants.

Mr.A.S.Shitole, APP. for the State.

Mrs.S.R. Kumbhat for the Respondent No.2.

CORAM : R.S. MOHITE,J.
DATED : 16/3/2006.

P.C.

1. Heard both sides.

2. Rule. By consent, rule made returnable forthwith.

3. This application impugns an order dated 2.9.2005 by which the J.M.F.C. Wada has issued process against the accused under Section 295A read with Section 120B of the I.P.C. It is pointed out that the court could not have taken cognizance of any offence

under Section 295A or criminal conspiracy to commit such an offence without previous sanction of the concerned Government. A.P.P. states that no sanction was taken. Hence, it is clear that the order issuing process which followed taking of cognizance is bad in law. Application is therefore, allowed in terms of prayer clause (a). Rule is made absolute accordingly.

(R.S. MOHITE,J.)

Cri. Application No.7614/2005

1. A.P.P. seeks time to take instructions relating to the stage of investigation. S.O. to 29.3.2006. Ad interim relief already granted to continue till next date.

(R.S. MOHITE, J.)